

§ 11.43 Processing of petitions for rulemaking or exemption from parts of this chapter.

Whenever the FAA receives a petition for rulemaking or for an exemption, a copy of the petition is referred for action, as provided in § 11.27, to the Office or Service having substantive responsibility for the subject involved.

[Doc. No. 15457, 41 FR 11271, Mar. 18, 1976]

§ 11.45 Issue of notice of proposed rulemaking.

Whenever he determines that a notice of proposed rulemaking is necessary or desirable, the head of the Office or Service concerned may, subject to the approval of the Chief Counsel with respect to form and legality, issue the notice provided for in § 11.29. In addition, he may grant or deny petitions for extension of the time for comments on the notice, filed under § 11.29(c).

[Doc. No. 1242, 27 FR 9586, Sept. 28, 1962, as amended by Amdt. 11–1, 28 FR 2897, Mar. 23, 1963]

§ 11.47 Proceedings after notice of proposed rulemaking.

(a) Each person who submits written information, views, or arguments in response to a notice of proposed rulemaking, or during additional rulemaking proceedings in connection with such a notice, must file the number of copies specified in the notice. All timely comments are considered before final action on the rulemaking proposal is taken. Late filed comments are considered so far as possible without incurring expense or delay.

(b) Whenever the head of the Office or Service concerned determines that additional rulemaking proceedings of the kind described in § 11.33 are necessary or desirable, he may designate representatives to conduct those proceedings.

[Doc. No. 1242, 27 FR 9586, Sept. 28, 1962, as amended by Amdt. 11–5, 31 FR 11091, Aug. 20, 1966]

§ 11.49 Adoption of final rules.

(a) After the Office or Service concerned has completed its analysis and evaluation of the information, views, and arguments submitted with respect to a proposed rule, representatives of

that Office or Service and the Office of the Chief Counsel prepare an appropriate rule, subject to the approval of the Chief Counsel as to form and legality. Except as provided in paragraph (b) of this section, the rule is then submitted, with the recommendations of the head of the Office or Service concerned and the Chief Counsel, to the Administrator for consideration. If a rule is adopted, it is published in the FEDERAL REGISTER.

(b) Final authority to issue, amend, and repeal—

(1) An appendix to a part is delegated to the head of the Office or Service concerned;

(2) Minimum en route IFR altitudes and associated flight data under Part 95 of this chapter, and standard instrument approach procedures under Part 97 of this chapter is delegated to the Manager, Technical Programs Division, Flight Standards Service; and

(3) Special conditions under Part 21 of this chapter is delegated to the Director, Aircraft Certification Service.

[Amdt. 11–15, 43 FR 52205, Nov. 9, 1978 as amended by Amdt. 11–19, 45 FR 47838, July 17, 1980; Amdt. 11–18, 45 FR 38346, June 9, 1980; Amdt. 11–20, 45 FR 60170, Sept. 11, 1980; Amdt. 11–20A, 45 FR 85597, Dec. 29, 1980; Amdt. 11–32, 54 FR 39290, Sept. 25, 1989]

§ 11.51 Denial of petition for rulemaking.

Whenever it is determined that a petition for rulemaking filed under § 11.25 should be denied, the Office or Service concerned prepares, subject to the approval of the Chief Counsel with respect to form and legality, a notice of denial for the Administrator's signature.

§ 11.53 Grant or denial of exemption.

(a) The head of the Office or Service concerned may, subject to the approval of the Chief Counsel with respect to form and legality, grant or deny any petition for an exemption. However, if the head of the Office or Service concerned finds that the grant or denial involves a technical or policy determination that should be made by the Administrator, he refers the petition and his recommendations and those of the Chief Counsel to the Administrator for final action.